

**Applicant:** MFP, Inc.

**Agent:** Mark Goodwin & Associates

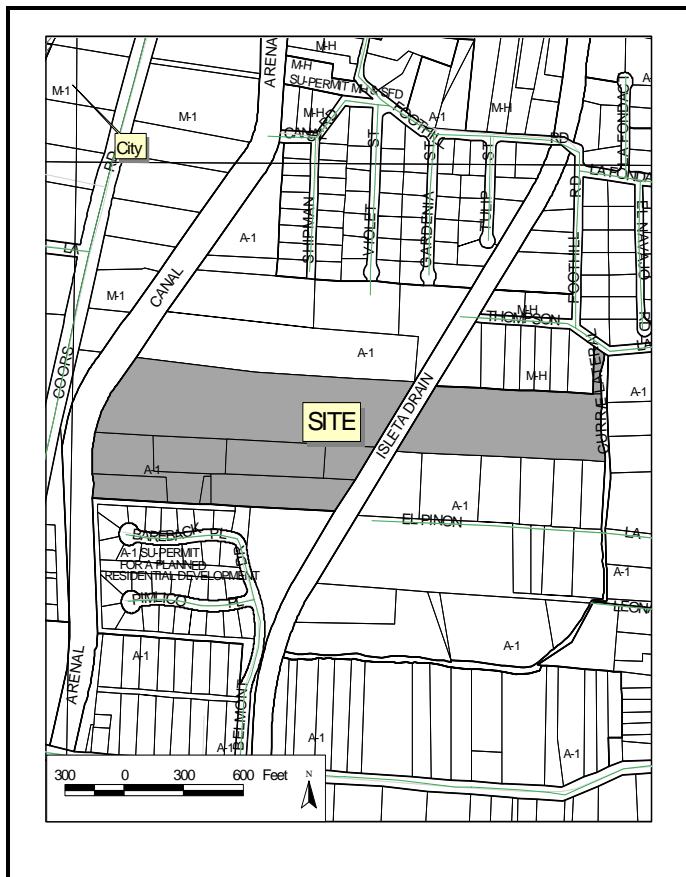
**Location:** Located between the Arenal Canal & Carrie Lateral, North of Blake Rd. & South of Thompson Ln. SW

**Property Size:** Approximately 26.48

**Existing Zone:** A-1

**Proposed Request:** Preliminary Plat

**Recommendation:** Approval



**Summary:** The applicant is seeking Preliminary Plat approval of a twenty-two lot subdivision encompassing approximately 26.48 acres. The site is zoned A-1. On September 8, 2005, the County Development Review Authority (CDRA) deemed this submittal complete for preliminary plat. This request lies within the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area 3 of the Southwest Area Plan and meets the lot size requirements.

**Staff Planner:** Adella Gallegos, Associate Program Planner

- Attachments:**
1. Application
  2. Land Use Map
  3. Letter from the Office of State Engineer (October 20, 2005)
  4. City of Albuquerque Water and Sewer Availability Statement (June 3, 2005)
  5. Letters from the State Dept. of Cultural Affairs Historic Preservation Division (October 26, 2005 & November 4, 2005)
  6. Letter from the Ciudad Soil & Water Conservation District (October 20, 2005)
  7. Disclosure Statement, Proposed Plat (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from 10-25-05 to 11-07-05. Agency comments were used in preparation of this report, which being on page 12.

**AGENDA ITEM NO.: 8**  
**County Planning Commission**  
**December 7, 2005**

SC-50015 Mark Goodwin & Associates, agent for MFP, Inc., requests approval of a preliminary plat for 22 lots, Foothill Estates Subdivision, on tracts 12B2B, 13A, 13B, 149A1A, 149A1A2, 149A2, 149B, 149E, 149A1C & 149A1B, MRGCD Map 46, located between the Arenal Canal and Currie lateral, north of Blake Road and south of Thompson Lane, zoned A-1, containing approximately 26.48 acres (N-11)

**AREA CHARACTERISTICS AND ZONING HISTORY**

**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land Use</b>
	A-1	Vacant
<b>North</b>	A-1 and M-H	Residential
<b>South</b>	A-1 with a Special Use for a Planned Unit Development	Residential
<b>East</b>	A-1	Residential
<b>West</b>	Two small tracts of M-1, the Arenal Canal and Coors Boulevard	Mobile Home Transporters – vacant mobiles

## **BACKGROUND:**

### **The Request**

The applicant has submitted a request for preliminary plat approval of a Type Three subdivision on approximately 26.48 acres. The applicant is proposing a twenty-two lot subdivision. The proposed lot sizes range from 1.0002 acres to 1.2087 acres. The applicant proposes to use the Albuquerque/Bernalillo County water and sewer services for the proposed subdivision.

### **Surrounding Land Use and Zoning**

The site abuts A-1 and M-H zoning to the north with one residential dwelling on the large A-1 zoned parcel and several residential units on the M-H zoned parcel. To the south of the site, there exist A-1 zoning and a Special Use Permit for a Planned Development Area for a 33-lot subdivision (The Stables). To the west, the site abuts the Arenal Canal separating it from Coors Boulevard and two parcels of M-1 zoning. The two small M-1 zoned parcels on the west are currently housing vacant mobile homes units. To the east of the site there exist A-1 zoning developed with residential dwellings.

## **APPLICABLE PLANS AND POLICIES:**

### **Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in the Semi-Urban area of the Comprehensive Plan. The principal Goal for the area of the Comprehensive Plan is to maintain the character and identity of the Semi-Urban areas which have environmental, social or cultural conditions limiting urban land uses.

**Policy 4a** states that "development in the semi-urban area shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; the overall gross density shall be up to three dwelling units per acre."

**Policy 4b** states "development in semi-urban areas shall include trail corridors, where appropriate, and shall be compatible with economic policies and historical and socio-cultural values, and shall maintain and integrate existing and new buildings and spaces of local significance into the community."

**Policy 4c** states, "The following policies shall govern industrial and commercial development in the Semi-Urban areas".

- Neighborhood-scale rather than regional-scale commercial centers are appropriate.
- Strip commercial development is discouraged in favor of clustered commercial development.
- Mixed-use areas should protect residential uses in the area, while offering a variety of local employment opportunities.

- Mineral extraction should be discouraged in highly scenic or prime recreational, agricultural, or residential areas.

**Southwest Area Plan (SWAP)**

The site is located in Residential Area 3 of the Southwest Area.

**Policy 26** states "Allow up to three dwelling units per net acre in Residential Area 3 when City sewer is available, or a maximum of one dwelling unit per acre when using individual liquid waste disposal systems."

**Policy 25** states "The County and City shall stabilize residential zoning and land use in the Plan area.

**Policy 1** states, "Techniques to ensure water quality and to enhance water conservation shall be established by the appropriate governmental agencies to enforce policies adopted in the Ground-Water Protection Policy and Action Plan and to prevent further groundwater contamination in the Plan area."

**Policy 5** states, "As development occurs in the Plan area, provisions shall be made to ensure erosion is controlled during and after construction. Runoff and erosion controls shall be developed throughout Soil Conservation Service Zones 3 & 4 to protect Zone 5."

**Policy 6** states, "Specific land use regulations, with performance and improvement standards, shall be created to protect agricultural lands."

**Policy 7** states, "In order to preserve and enhance the unique heritage of the South Valley, review requirements shall be established for historic and cultural sites, as well as landmarks and archaeological areas. These historical sites include, but are not limited to, the new Mexico Cultural Properties Review Committee designated structures or properties that may contain historic or prehistoric structures, ruins, sites or objects to be preserved in some for. Desecration or destruction of these sites would result in an irreplaceable loss to the public of their scientific, educational, informational, or economic interest or value."

**Policy 19** states, "All development and subdivisions shall be required to limit the level of water runoff generated from new construction or paving in order to reduce velocity and volume of runoff, and to ensure the viability and capacity of down stream facilities."

**Policy 28** states, "Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties.

- a. Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.
- b. Encouraged landscaped areas within lots to break up large expanses of paved area and enhance pedestrian access."

**Policy 32** states “Enhance the visual character and quality of the streetscape and overall development by integrating the design and materials of required perimeter walls.”

**Policy 34** requires, where feasible, development to respect view of the mountains to the east and the mesa to the west. Preserve views to and from the site by incorporating design details.

**Bernalillo County Subdivision Ordinance**

**Sec. 74-31. Preliminary plat instructions.**

- (a) *Preliminary plat required.* Preliminary plats shall be submitted for type-one, type-two, type-three, and type-four subdivisions. Certain type-three and all type-five subdivisions are subjected to review under the summary procedure set forth in article V of this chapter.
- (b) *Application / fees.* A subdivider shall prepare a preliminary plat and support documentation in accordance with the requirements provided in these regulations. Preliminary plat submittal is initiated by completing an application on a prescribed form available from the county and upon payment of the required administrative fee.
- (c) *Support documentation.* Prior to accepting the preliminary plat, the county shall require that the subdivider furnish documentation of:
  - (1) An approved sketch plat;
  - (2) Water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;
  - (3) Water of an acceptable quality for human consumption and measures to protect the water supply from contamination;
  - (4) The means of liquid waste disposal for the subdivision;
  - (5) The means of solid waste disposal for the subdivision;
  - (6) Satisfactory roads to each parcel, including ingress and egress for emergency vehicles, and utility easements to each parcel;
  - (7) Terrain management (drainage report) to protect against flooding, inadequate drainage and erosion; and measures to protect steep slopes over 15 percent and ridge tops;
  - (8) Protection for cultural properties, archaeological sites and unmarked burials that may be impacted directly by the subdivision, as required by article X of this Code; and

- (9) If property is in a designated wildfire hazard area, means of compliance with wildfire safety provisions of this chapter.

Additional information as deemed appropriate by the county upon prior notice to applicant.

- (d) *Neighborhood notification.* All applications for six or more lots shall be subject to the county neighborhood notification ordinance.
- (e) *Plat deemed complete (for review).* Within five days of receipt of the application, fees, preliminary plat, and support documentation, the county shall review all materials in order to determine if the preliminary plat is ready to begin the review process. If there are no deficiencies, the preliminary plat shall be accepted for review upon acceptance of the application. If the preliminary plat is incomplete or does not comply with the submittal requirements provided herein, the subdivider shall be advised and the application will not be accepted for further review.

**Sec. 74-32. Agency review.**

- (a) *Plat transmittals.* Within ten days after the date that the preliminary plat is deemed complete, the county shall forward a copy of the preliminary plat and support documentation to the following state and local agencies by certified mail, "return receipt requested," with a request for review and opinions:
  - (1) New Mexico State Engineer Office;
  - (2) New Mexico Environment Department;
  - (3) New Mexico Highway and Transportation Department;
  - (4) Soil and water conservation district in which the proposed subdivision is located; and
  - (5) Any other public agencies the county considers necessary to determine whether there are adequate facilities to accommodate the proposed subdivision.
- (b) *Agency response.* The state and local agencies shall have 30 days from their receipt of the preliminary plat to review and return an opinion regarding the preliminary plat. The county shall obtain receipts or other proof showing the date the opinion request was received by each state or local agency.
- (c) *Hearing deadlines.* If the opinions received from all agencies are favorable, the county shall schedule a public hearing for consideration and action on the preliminary plat within 30 days following the receipt of such favorable opinion. If

the county does not receive a requested opinion within the specified 30 days, it shall proceed with the required public hearing.

- (d) *Adverse opinion.* If any opinion from a public agency is adverse, the county shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the county within 30 days to respond to the agency's concerns. The county shall forward such additional information upon receipt, to the appropriate agency, which shall have 30 days from the receipt of the additional information to review and return a revised opinion. The county shall obtain receipts or other proof showing the date the additional information was received by each state or local agency. The applicant may contact any public agency directly to expedite the process.
- (e) *Revised opinion.* The county shall schedule a public hearing for consideration and action within 30 days after the receipt of a revised opinion from the appropriate agency. If the county does not receive a revised opinion within the specified 30 days after the date the subdivider submits the additional information, it shall proceed with the required public hearing.

**Sec. 74-94. Community water system requirements.**

- (a) A community water system is any existing or proposed water supply system which relies upon surface and/or groundwater diversions other than wells permitted by the state engineer under § 72-12-1 NMSA 1978, and which consists of a common storage and/or distribution facilities operated for the delivery of water to systems which serve at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- (b) A community water system shall be required for all subdivisions where any one of the following criteria are met:
  - (1) Subdivisions containing 20 parcels, any of which is equal to or less than two acres.
  - (2) For all subdivisions containing 19 or less parcels, or subdivisions containing 20 or more parcels in which the minimum parcel size is greater than two acres, where groundwater would be supplied from geologic formations where wells have been determined to produce at a rate of 2 gpm or less, or where available information suggests the likelihood of low yielding wells. In lieu of a community water system, individual or shared wells may be drilled by the developer, provided that it can be demonstrated that production can be sustained at rates greater than 2 gpm, and is adequate to meet the maximum annual water requirements of all parcels.
- (c) If water will be supplied form a community water system, the subdivider shall submit a plat of the proposed subdivision, and preliminary plans for the water

production, storage and distribution facilities prepared by or under the supervision of a registered professional engineer. The site plans shall show the topography, parcel boundaries, streets, wells, and water storage and distribution system, including hydrants. The size or capacity of the water system components should also be indicated on the site plans. Preliminary well plans shall include casing diameter, total depth, screened interval and proposed pump setting. All distribution mains shall be a minimum of six inches in diameter, unless otherwise approved by the State of New Mexico Public Utilities Commission.

- (d) Shared wells systems, permitted under § 72-12-1 NMSA, may be allowed subject to subsection (b)(2) of this section, under the condition that the maximum number of parcels served by one well shall not exceed five.
- (e) Covenants and land use restrictions shall be adopted strictly prohibiting the drilling or use of individual and/or shared domestic wells for any subdivision which requires or utilizes a community water system.
- (f) If a community water system is proposed or required, the developer should consult with the New Mexico Public Utilities Commission regarding the applicability of the Public Utility Act to the community water system.

**Section 74-112. Protecting cultural properties.**

- (a) All lands that are proposed to be subdivided into more than 24 lots shall be investigated by an archaeologist who is permitted by the State Cultural Properties Review Committee, for the purpose of identifying and evaluating the significance of cultural properties, archaeological sites, and unmarked burial sites, that may be impacted directly by the subdivision.
- (b) In the event that the investigation reveals evidence that the subdivision will have a direct impact on cultural properties, archaeological sites, or unmarked burials determined by the county to be significant (125 years or older), then the developer shall be required to provided to the County a plan of action that mitigates the negative impacts of the proposed subdivision. The County shall approved, modify, or deny the action plan.
- (c) Unmarked human burials.
  - (1) According to state policy, any unmarked human burial site shall received appropriate and respectful treatment and disposition.
  - (2) All subdividers shall comply with the requirements of § 18-6-11.2 NMSA 1978., which prohibits the knowing, willful and intentional excavation, removal, disturbance or destruction of any human burial, buried, entombed or sepulchered in any unmarked burial ground except by authority of a permit issued by the State Medical Investigator or by the



State cultural properties Review Committee with the concurrence of the State Archaeologist and State Historic Preservation Officer.

- (d) Registered cultural properties. All subdivisions of land in the County will be subject to the requirements of the Cultural Properties Act and the standards for archaeological investigation and treatment established by the County. (Ord. No. 96-23, art. 11, § 2, 10-1-96)

### **Bernalillo County Zoning Ordinance**

#### **Section 7. A-1 Rural Agricultural Zone.**

- A. The regulations set forth in this section or set forth in this ordinance, when referred to in this section, are the regulations in the A-1 Rural Agricultural Zone. The purposes of this zone are to preserve the scenic and recreational values in the National Forests and similar adjoining land, to safeguard the future water supply, to provide open and spacious development in areas remote from available public services, and to recognize the desirability of carrying on compatible agricultural operations and spacious home developments in areas near the fringes of urban development. The regulations provide for the protection of these important land uses, and are not intended to unduly restrict or regulate farming, or ranching operations.
- B. Use Regulations. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.
- C. Area Regulations:
1. Minimum Lot Area and Lot Width. Every lot shall have an area of not less than one acre and an average width of not less than 150 feet.
  2. Setbacks. Minimum front yard setback shall be 25 feet, minimum side yard shall be ten feet, and the minimum rear yard shall be 25 feet, except as provided in the Supplementary Height and Area Regulations Section of this ordinance.

### **ANALYSIS:**

#### **Surrounding Land Use and Zoning**

The subject site is located in the Semi-Urban Area of the Comprehensive Plan and Residential Area 3 of the Southwest Area Plan. The site is zoned A-1 and, with the exception of the large A-1 zoned tract of land to the north of the site currently developed with a residential unit, the area that is predominately surrounded with residentially zoned property. The 15.18 acres, 33-lot Stables Subdivision abutting the site to the south was approved by the Board of County Commissioners for preliminary plat on October 26, 1996 with the final signoff occurring in May of 1997. The Stables Subdivision is partially developed.

### **Plans**

The proposed platting action is located in the Semi-Urban Area of Albuquerque/Bernalillo County Comprehensive Plan and the Southwest Area Plan, which allows an overall gross residential density of three dwelling units per acre. Residential Area 3 of the Southwest Area Plan allows up to three dwelling units per net acre when municipal sewer is available or a

maximum of one dwelling unit per net acre when using individual liquid waste disposal systems. The proposed preliminary plat for a 22-lot subdivision meets the density criteria called for in the Albuquerque/Bernalillo County Comprehensive Plan and the Southwest Area Plan. In addition, the proposed lots range in size from 1.002 acres to 1.287 acres.

### **Agency Comments**

The State of New Mexico Office of the State Engineer has reviewed and commented on the submittal and has issued a negative opinion that was received after the comment deadline of October 17, 2005. In accordance to Section 74.32(d) of the Subdivision Ordinance, the County has forwarded a copy of the adverse opinion to the subdivider. The Office of the State Engineer has commented that the applicant has not provided minimum water supply supporting documentation as required in Section 74-92, Quantification of Annual Water Requirements and Section 74-95, Water Availability Assessment (Attachment 4).

The City of Albuquerque has issued a Water and Sewer Availability Statement dated June 3, 2005. The Statement identifies the availability of water and sanitary services to the subject site (Attachment 5).

The State of New Mexico Department of Cultural Affairs, Historic Preservation Division, has also reviewed and commented on the submittal after the comment deadline of October 17, 2005. Section 74-112 of the Subdivision Ordinance requires a cultural resource survey for subdivisions encompassing 24-lots or more. However, even though the platting action only calls for 22 lots, the Historic Preservation Division is recommending that an archaeological consultant conduct a resource survey of the site to record any cultural resources that may exist. The Historic Preservation Division's archaeological records database reflect that significant prehistoric archaeological sites have been recorded nearby along the Arenal Canal and that intact cultural materials can exist below the plow zone (Attachment 6).

The Ciudad Soil and Water Conservation District has commented that the plat should include language that provides for maintenance of the ponds and prohibits filling them in for landscaping or other purposes in the future. Further, Ciudad recommends that lot surfaces be left undisturbed until each individual lot is developed by the purchaser in order to minimize wind erosion (Attachment 7).

### **Conclusion**

In accordance with the Bernalillo County Subdivision Ordinance, the applicant's proposal has been disseminated to the appropriate agencies and all agencies have had 30 days to comment on this request. With the exception of the Office of the State Engineer, all opinions from these agencies have been favorable positive, which satisfies the requirements of the Bernalillo County Subdivision Ordinance. In addition, this request conforms to the recommendations of the Southwest Plan Area for Residential Area 3 and the policies for the Semi Urban Area of the Albuquerque/Bernalillo Comprehensive Plan.

**RECOMMENDATION:**

Approval of SC-30015, based on the following Findings and Conditions.

Adella Gallegos,  
Associate Program Planner

**FINDINGS:**

1. This request is for a preliminary plat approval for a 22 lot subdivision called Foothill Estates on Tracts 12B2B, 13A, 13B, 149A1A1, 149A1A2, 149A2, 149B, 149E, 149A1C & 149A1B, MRGCD Map 46, located between the Arenal Canal and Currie Lateral, north of Blake Road and south of Thompson Lane, zoned A-1, containing approximately 26.48 acres.
2. On September 8, 2005, the County Development Review Authority deemed this submittal complete for preliminary plat.
3. This request falls within the Semi-Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan, which allows up to 3 dwelling units per acre.
4. This request is consistent with the residential densities portion of the Southwest Area Plan, Residential Area 3.
5. This request is consistent with the health, safety, and general welfare of the residents of the County.

**CONDITIONS OF APPROVAL**

1. Prior to final plat approval, the grading and drainage plan must be approved by the Bernalillo County Public Works Division. A copy of the approval shall be submitted to the to the Zoning, Building, Planning and Environmental Health Department.
2. A License Agreement from the MRGCD shall be submitted to the Public Works Division and the Zoning, Building, Planning and Environmental Health Department.
3. The applicant shall amend the Disclosure Statement to include the following language:
  - a. Under Item #15, "Ponds identified on the plat are to be maintained and prohibited from filling for landscaping or other purposes in the future."
  - b. Under Item #16H, add "on Lot 16" after the words "Arenal Canal".
4. A professional archaeologist shall identify and evaluate any archaeological sites through a pedestrian survey of the area prior to development. Identification and evaluation of any archaeological sites, which may contain unmarked human burial sites or other archeologically significant features within subdivision area, shall be identified. Prior to final plat, a copy of the pedestrian survey shall be submitted to the Zoning, Building, Planning and Environmental Health Department.

**BERNALILLO COUNTY DEPARTMENT COMMENTS**

Environmental Health:  
No adverse opinion.

Fire:  
No comment received

Zoning Department Manager:  
Plat is acceptable for preliminary plat.

Building Department Manager:  
No comment received

Public Works:

DRAN:  
A grading and drainage plan Case # PWDN 50071 has been submitted for review and comments have been addressed. Approval of this grading and drainage plan is pending coordination of drainage infrastructure with the South Valley Flood Damage Reduction Study dated February 2005.

DRE:  
Prior to plan signature, construction plans and a Subdivision Improvements Agreement shall be signed by Public works, all development review fees shall be paid and a license agreement shall be obtained from MRGCD. The developer may seek to construct the required improvements prior to plat signature and avoid obtaining a Subdivision Improvements Agreement. A Traffic Impact Study is not required for this proposed development.

Parks & Recreation:  
Item 16H in the Disclosure Statement should be corrected to read "on Lot 16" after the word "Canal".

Sheriff's:  
No comment received.

**COMMENTS FROM OTHER AGENCIES:**

MRGCOG:  
The Long Range Bikeway System identifies this section of the Isleta Drain for a separate Trail/Path.

AMAFCA:

No comment.

City Planning Department:

No comment received.

City Public Works:

Transp. Planning:

No comment received.

Transp. Development:

No Adverse Comment.

Water Resources:

No adverse comments, a Water/Sewer Availability Statement has been issued, dated June 3, 2005. Under the conditions outlined in this Availability Statement, the Utility is ready, willing, and able to provide the annual water requirements for this subdivision.

City Transit:

No adverse comments.

ABCWUA Utility Development Section:

No additional comments received

City Environmental Health:

No comments received.

City Open Space:

No comments received.

NM Department of Transportation

No comments.

NM Department of Cultural Affairs, Historic Preservation Division

See Attachment #6 of Staff Report

NM Office of the State Engineer

See Attachment # 4 of Staff Report

Cuidad Soil & Water Conservation District

See Attachment #7 of Staff Report

Albuquerque Public School:

No comment received

**NEIGHBORHOOD ASSOCIATIONS:**

Linda Neighborhood Association  
Foothill Neighborhood Association  
South Valley Alliance of Neighborhoods  
South Valley Coalition of Neighborhood Associations